



Chairman Simermeyer addresses the National Indian Gaming Associations General Membership

On Tuesday, November 16, 2021, Chairman E. Sequoyah Simermeyer addressed the National Indian Gaming Associations' General Membership meeting to share his viewpoints and updates on timely topics. His address was part of the national organization's mid-year conference held at the Pechanga Resort and Casino. Below is a summary of remarks on topics discussed during the Chairman's address to tribal leaders and Indian gaming industry leadership. The summary has been edited for clarity and includes additional information on accessing relevant resources.

Celebration of Pu'éska Mountain Day

I want to thank the Pechanga Tribe's Chairman [Mark] Macaro for his earlier comments regarding yesterday's celebration of the City of Temecula's Pechanga Pu'éska Mountain Day. The Pechanga Peoples' action in 2012 tells a powerful story. It illustrates how Native people can protect their traditions and sacred lands, elevate the level of diplomacy with neighboring governments, and improve lives in and around their community.

Acknowledging the Pechanga Tribe Gaming Commission

Earlier today I had a chance to visit with the Pechanga Tribe Gaming Commission. I want to congratulate the commissioners, their staff, and Commissioner Chairman [Ron] Flores on the cutting edge work I had an opportunity to learn more about. The tools they are developing are grounded in a sophisticated vision for the future and a history of strong regulatory capacity. Thank you for advancing Indian gaming's reputation as a well regulated industry.

NIGC Consultation with Tribal Governments, Outreach, and Intergovernmental Collaboration

The value of Federal consultation with tribal leaders and other forms of Federal outreach to Indian country is why one of the four NIGC priorities is a commitment to *Innovation in Agency Outreach and Collaboration*. Federal consultation helps identify opportunities to promote good governance practices at the federal level, and most importantly provides an opportunity for tribes and the NIGC to affirm tribes' and the United States' shared commitment to a unique and long-standing intergovernmental relationship.

Next Steps for Topics Discussed During an earlier NIGC Consultation Series with Tribes

Tribes can anticipate that four of the topics we consulted on earlier in the year will be taken up in a Notice of Proposed Rule Making in the coming days. The NIGC's proposed regulatory actions on these topics were informed by tribal leaders' feedback. These proposals will be an

opportunity to provide greater clarity and consistency in how the NIGC interprets its responsibilities.

Impact of NIGC Operation's on Agency Plans for 2022 and Recent Decisions Related to the Fee Rate for Fiscal Year 2022.

For FY22 the Commission has determined that the fee rate will increase by 0.018% to 0.08%. Based on FY20 GGR, the Commission anticipates receiving approximately \$21M in fees in FY22, which represents an increase of approximately \$0.8M over the total fees received in FY21. This additional \$0.8M will cover the NIGC's FY22 budget, allowing the Agency to fill positions that were frozen during FY21, resume necessary travel, and ensure that the Agency is able to fully meet its statutory and regulatory responsibilities as the gaming industry continues to emerge from the pandemic.

The NIGC will continue to focus on strategies that allow NIGC's operations to assess and improve regulatory capacity in emerging areas in the Indian gaming industry. The Agency will need to be mindful of these emerging areas while maintaining an approach in its compliance program that relies on NIGC technical assistance as a primary path to compliance.

We will also need to continue the NIGC's commitment to *Preparedness Across Indian Gaming's Regulatory Community*. In particular, we will continue to support work related to critical event response training and outreach on topics like public health risk monitoring, cybersecurity threats, awareness around public safety responses to active shooter and human trafficking threats, natural disaster mitigation, and workforce planning that ensures continuity of operations and tribes regulatory capacity.

NIGC operations are also going to make FY22 investments in operational areas we have worked hard to manage in 2020 and 2021. This will include finding more efficiencies in the fixed costs associated with staffing and workplace demands that make up nearly all of the NIGC's budget. This also includes continuing to mitigate risks associated with the NIGC's IT infrastructure, and the Agency's IT personnel and policies. I hope to bring these IT related projects to completion in 2022 and reduce the burden on future budgets.

The NIGC will continue to be vigilant in how it spends precious resources, and will continue to communicate to the public, to tribes, and federal partners regarding the NIGC's operational needs and plans. Both are important to the NIGC as a matter of good governance and as a means of supporting tribes' recovery from the pandemic—especially when every dollar counts.

[NIGC Bulletin: 2022 Fee Rate and Fingerprint Rate Register Notice](#)

Agency Attention to Cyber Security

We continue to issue technology advisory alerts, develop strategic partnerships with experts including the Department of Homeland Security's Cybersecurity and Infrastructure Security Agency, offer technical assistance for tribal leaders and operations during a ransomware event,

provide national trainings created for the gaming industry and tribal regulatory bodies, and offer in-person IT Vulnerability Assessments.

During the coming months the NIGC training and outreach efforts will grow to include more opportunities to help tribal policy makers and regulators focus on identifying critical decision points when responding to and preparing for an attack. I also will be working to more formally coordinate information sharing between jurisdictions in order to help anticipate and analyze cyber security threats.

I hope that the number one NIGC message regarding cyber security threats is resonating—everyone should prepare an appropriate plan expecting bad actors will threaten Indian gaming operations' and tribal regulatory bodies' cybersecurity. Indian gaming is too valuable a resource for us to gamble that a cyber-attack might not occur.

[NIGC Tech Alerts and Warnings Resource Page](#)

Upcoming Discussion on Cyber Security Matters

As the NIGC continues to focus on this topic, it will be important to discuss the public policy objectives around this issue that are unique to the Indian gaming industry's regulatory framework. As part of that discussion tribal lawmakers have a role in articulating desired outcomes and working with regulators and industry to assess risk. Risk differs across the industry, but it should consider the potential for industry-wide reputational harm, game play integrity, and customer data protection. This discussion will also benefit from other sectors' insights. Some of those sectors include the insurance industry and its perspective on trends outside of Indian gaming, criminal law enforcement's approaches and tools, and the best practices emerging in the cyber security field outside of the gaming industry.

In the coming days, Tribal Leaders will receive a letter to announce the details of four videoconference sessions for tribal leaders or their representatives on this topic. The sessions are part of the NIGC's consultation efforts and will be held during the months of December and January.

Commitment to and Value of Publishing NIGC Guidance

NIGC guidance is an effective tool to emphasize the importance of Agency uniformity, promote access to information, and facilitate discussions around emerging trends. Guidance is important to supporting NIGC's commitment both to *Agency Accountability* and *Protecting Integrity in the Indian Gaming Industry*.

Throughout 2020 the Agency provided more uniform guidance on the FBI's requirements for accessing an individual's criminal history information maintained by the FBI's Criminal Justice Information Services Division. Clarity in this area was not only a matter of abiding by long-standing FBI requirements, it helped over 200 tribes to maintain access to the tools needed for robust background and licensing programs.

In early 2021, the NIGC guidance on tribal gaming regulatory bodies' authorities was a compliment to other NIGC guidance published in 2021 that was related to how and why tribal governments might address human trafficking risks in their community. The NIGC guidance on tribal gaming regulatory bodies' authorities was also relevant to the important topic of tribal gaming regulatory bodies' responsibilities concerning the law's requirement for tribes to construct, operate, and maintain a gaming operation in a manner that adequately protects the environment, public health and safety.

At a national meeting of tribal gaming regulators held last month in the Pasqua Yaqui Indian Community, the NIGC announced the Agency's first publication of its agency-held positions on considerations related to cannabis and Indian gaming operations. As tribes consider new opportunities to respond to the economic impact the pandemic has had on Indian gaming and tribes' workforce, this recent guidance lays out existing law regarding the use of net gaming revenue. It also addresses relevant considerations regarding the role a tribe plays in licensing its individual employees.

Since early 2020, the Agency has prioritized publishing guidance on sports betting and related issues. NIGC announced guidance when meeting a group of New Mexico tribal regulators at the Santa Ana Pueblo in early March 2020. That guidance laid out potential management and sole proprietary interest implications under IGRA. The Agency recently announced additional guidance at the G2E Expo in Las Vegas, NV in early Fall 2021. The additional guidance further addressed the topic of sole proprietary interests and examples of potential management activity first discussed in the 2020 sports betting guidance. NIGC had provided similar information during NIGC trainings on sports betting. The recent guidance also gave insights for tribes contemplating non-sports betting issues related to sole proprietary interest considerations that could constitute control over a gaming operation and it withdrew outdated guidance from 1993.

- [NIGC Bulletin: Fingerprint processing- applicant Privacy Act rights and protecting CHRI](#)
- [NIGC Human Trafficking Bulletin and Resource Page](#)
- [Chairman announced bulletin and advisory group at the New Mexico Tribal Gaming Symposium](#)
- [NIGC Bulletin No.2021-6 – Sole Proprietary Interest](#)
- [NIGC Guidance: Additional guidance further addressed on the topic of sole proprietary interests and examples of potential management activity](#)

Chairman Simermeyer shared his appreciation to NIGA and NIGA's Chairman Ernie Stevens, Jr. for inviting the NIGC to provide updates and viewpoints on timely topics. This summary includes additional information on accessing relevant resources.